



29 SEP 2006

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVENUE, SUITE 6300
SEATTLE WA 98104-7092In re Application of PLESSIER et al.
Application No.: 10/531,843
PCT No.: PCT/SG02/00245
Int. Filing: 21 October 2002
Priority Date: None
Attorney Docket No.: 851663.479USPC
For: APPARATUS TO IMPLEMENT DUAL
HASH ALGORITHMDECISION ON
DECLARATION UNDER
37 CFR 1.497(a)

This is a decision on applicants' reply to Notification of Defective Response, filed on 02 March 2006 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 21 October 2002, applicant filed international application PCT/SG02/00245, which did not make any priority claim. The second inventor was identified as Kiat Yap Ming.

On 18 April 2005, applicant filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 02 September 2005, a Notification of Missing Requirements (Form DO/EO/905) was mailed to applicant indicating that an oath or declaration, in compliance with 37 CFR 1.497(a) and (b), was required.

On 02 November 2005, applicant filed a response to the Notification of Missing Requirements along with a declaration executed by the inventors and an Application Data Sheet. The declaration identified the second inventor as Kiat-Yap Ming. However, the declaration contained an alteration, changing the name of the second inventor to Yap Ming-Kiat. The Application Data Sheet, which accompanied the submission, was altered to identify the second inventor as Yap Ming-Kiat.

On 23 January 2006, a Notification of Defective Response (Form DO/EO/916) was mailed to applicant, indicating that the oath or declaration was not executed in accordance with either 37 CFR 1.66 or 1.68 and drawing applicant's attention to the fact that the second inventor's name did not correspond with the name listed on the published international application.

On 02 March 2006, applicant filed a reply to Notification of Defective Response with a newly executed declaration and a Supplemental Application Data Sheet.

DISCUSSION

A review of the international application reveals that the given name of the inventor as listed in the published international application is "Kiat Yap Ming". The declaration submitted on 02 November 2005 was altered from the printed name (Kiat-Yap Ming) changing the second inventor's name to Yap Ming-Kiat.

A review of declaration submitted on 02 March 2006 reveals that the given name on the newly executed declaration is "Kiat Yap Ming" while the Supplemental Application Data Sheet is corrected to indicate that the second inventor's name is "Ming-Kiat Yap". No explanation is offered as to how the error in the second named inventor's name occurred, e.g. is this a correction of a transliteration or typographical error or has the inventor's name been legally changed, etc. The declaration as filed is not in compliance with 37 CFR 1.66 or 1.68 and is unacceptable as filed. An explanation of the inconsistency is required.

As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. However, the Office should be notified of the error and provided an explanation.

CONCLUSION

For the reason set forth above, the declaration of inventors submitted by applicants on 02 March 2006 cannot be accepted at this time.

Applicants are required to submit an explanation to correct the name of second inventor within TWO (2) MONTHS from the mail date of this decision.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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